

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM

AUG 29 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00005-003

DATE: August 29, 2005

HON. S. JAMES OTERO, Designated Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 10:04:31 - 11:43:20

Law Clerk: NONE PRESENT

Courtroom Deputy: Leilani Toves Hernandez

CSO: L. Gogo / J. Lizama

***** APPEARANCES *****

DEFT: JAE HEE KIM

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY: CURTIS VAN DE VELD

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: RUSS STODDARD

AGENT: CHICO HOGE, SECRET SERVICE

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: F. TAITAGUE

INTERPRETER: HEE JUNG WONG

LANGUAGE: KOREAN

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 6

Total offense level: 12

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Disagreed with the Court that this case amounts to some level of sophistication.

() DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Impose a sentence within the guideline range.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 14 MONTHS, WHICH IS CONSISTENT WITH THE SENTENCE IMPOSED REGARDING THE OTHER TWO DEFENDANTS. DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED. WHILE IN PRISON, THE DEFENDANT SHALL PARTICIPATE IN VOCATIONAL PROGRAMS APPROVED BY THE BUREAU OF PRISONS.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. §3583(d), AND WITH THE ESTABLISHED PROCEDURES BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. §1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE AND SHALL NOT RE-ENTER THE UNITED STATES WITHOUT THE PERMISSION OF THE ATTORNEY GENERAL. IF DEPORTATION FAILS TO OCCUR, AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES; AND SHALL SUBMIT TO ONE URINALYSIS TEST WITHIN 15 DAYS AFTER SENTENCING AND, TO TWO MORE URINALYSIS TESTS WITHIN 60 DAYS THEREAFTER.
7. DEFENDANT SHALL MAINTAIN GAINFUL EMPLOYMENT.
8. DEFENDANT SHALL PERFORM 400 HOURS OF COMMUNITY SERVICE AS APPROVED BY THE PROBATION OFFICER.

COURT WAIVED ALL FINES SINCE IT WAS DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

DEFENDANT WAS ORDERED TO PAY A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

THE COURT WARNED THE DEFENDANT NOT TO RETURN TO GUAM OR ANY PART OF UNITED STATES COMMITTING ANY TYPE OF SIMILAR SCHEME TO DEFRAUD CREDIT CARD HOLDERS OR VENDORS OR COMMIT OTHER CRIMES.

Courtroom Deputy: 